

Excerpts
Planning Commission Minutes
January 10, 2001

Application No. UP-566-01, King's Creek Plantation, LLC: Request to amend an existing use permit to allow the construction of a "lodge style" structure housing 90 two-bedroom timeshare units (3 five-story interconnected pods of 30 units each) as part of a previously approved 1,100 unit timeshare development. The property is located along Route 199 across from its intersection with Penniman Road. No change to the overall number of timeshare units (1,100) is proposed. The proposal is an amendment to the previously approved conceptual/development plan, which depicted single-family detached and attached style units, and seeks approval in accordance with Section 24.1-115(d) of the York County Zoning Ordinance.

Mr. Michael King, assisted by a brief video, summarized his memorandum to the Commission dated December 27, 2000, in which the staff recommended approval.

Mr. Shepperd asked if the staff had received any comments from the upper County and if staff had discussed the proposal with upper County citizens or others in the Williamsburg area. Mr. King reported that the City of Williamsburg and James City County had received a copy of the agenda of this meeting but they have not contacted the Planning staff.

Ms. White asked if the plans for the proposed addition are complete. Mr. King referred the question to the applicant.

Mr. Heavner inquired about the proposed height, to which Mr. King explained that it would not exceed the height limit of 75 feet for its zoning district.

The Chair opened the public hearing.

Mr. Billie Millner, Jones, Blechman, Woltz and Kelly, P.C., 600 Thimble Shoals Boulevard, Newport News, Virginia, represented and spoke in behalf of the applicant. He said the timeshare units are being purchased at a rate exceeding the expectations of the developers and are bringing tax dollars into the county with relatively little demand on public services. He noted that \$1.8 million in County taxes and fees have been paid since the project's inception three years ago, placing King's Creek Plantation among the bigger taxpayers in the County. Mr. Millner introduced Mr. Kevin Jones, president of Kings Creek Realty, and Messrs. Mark Rinaldi and Rick Moberg, the project engineer and architect, respectively.

Mr. Mark Rinaldi, Landmark Design Group, 4029 Ironbound Road, Williamsburg, Virginia, used overhead projections representing Phase 5 of the King's Creek Plantation project. He explained the previous phases and spoke of environmental attributes on the property and steps taken by the developer to minimize erosion. He said certain issues such as building and fire codes,

the building footprint, and amenities are being finalized at this time. Mr. Rinaldi offered to answer questions.

Mr. Shepperd was complimentary of the project and asked what the total fiscal impact would be. Mr. Rinaldi estimated it would generate several million dollars annually in taxes to the County.

Mr. Shepperd asked about the target market. **Mr. Kevin Jones** addressed the marketing techniques and the target market population.

Mr. Rick Moberg, Rancorn Wildman Architects PLC, Newport News, Virginia, responded to a question about the building footprint, stating the developers intend to maintain the image of small residential units and employ a design that would be visually appealing rather than "boxy," combining all the same residential elements employed in the earlier phases. He added that there is a possibility of underground parking facilities as a part of the lodge project.

Mr. Shepperd inquired about stormwater runoff. Mr. Rinaldi said there is no possibility of flooding because of the natural topography. He said the nearest residence is over 2,000 feet from the property in question.

Commissioners Semmes and White questioned the visual impact of an underground parking garage, and the applicants stated that it possibly would be partially above ground level but, if so, would be heavily and tastefully landscaped to mitigate any visual conflict with its surrounding environment.

The Chair then closed the public hearing.

Mr. Shepperd moved the adoption of Resolution No. PC01-02 to recommend approval and it carried 6:0 (Mr. Simasek absent).

PC01-02

On motion of Mr. Shepperd, which carried 6:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A MAJOR
AMENDMENT TO AN EXISTING SPECIAL USE TO PERMIT LODGE
STYLE STRUCTURES AT THE KING'S CREEK PLANTATION TIMESHARE
RESORT**

WHEREAS, King's Creek Plantation, L.L.C., has submitted Application No. UP 566-01, which requests an amendment to an existing special use permit pursuant to Section 24.1-115(d) of the York County Zoning Ordinance, to authorize the construction of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No.11-(22)-1A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 10th day of January, 2001, that Application No. UP-566-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the construction of a "lodge style" structure housing ninety (90) two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development, subject to the following conditions:

1. This use permit shall authorize the establishment of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units at King's Creek Plantation timeshare resort located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No. 11-(22)-1A
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be approved prior to obtaining permits for site and building construction. Said site plan shall be in substantial conformance with the conceptual plan submitted by the applicant to the York County Planning Division on November 30, 2000 and entitled "The Lodge and Townes at King's Creek Plantation Phase 1-SPE Revised November 1, 2000," and included as part of this file application.
3. The "lodge style" structure shall not exceed the height limitations established in the Zoning Ordinance for the Economic Opportunity district.
4. Nothing in this use permit shall be construed to permit an increase in the number of the 1,100 timeshare units previously approved by the Board of Supervisors.
5. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.
